

Plaintiff Amy Smith Berylson (“Mrs. Berylson”), with the assent of the Defendants, hereby respectfully moves the Court to continue the trial of this matter until the week of February 26, 2024.

1. On the morning of July 4, 2023, Plaintiff John G. Berylson (“Mr. Berylson”) tragically and suddenly passed away.

2. Prior to Mr. Berylson's untimely passing, this Court had scheduled trial for this matter to begin on August 21, 2023.

3. Among other things, for the trial to proceed, a personal representative for Mr. Berylson needs to be appointed and a Motion for Substitution of a Party pursuant to Rule 25 must be made.

4. Counsel for Mrs. Berylson has been advised by the late Mr. Berylson's estate counsel that it could take two-to-three months for a personal representative to be appointed in the ordinary course of Probate Court business. Post-Pandemic, the Probate Court may take even longer to make its appointment according to estate counsel.

5. Accordingly, Mrs. Berylson respectfully requests that the Court grant her assented-to request for a continuance of the beginning of the trial from August 21, 2023 to the week of

February 26, 2024, in order to allow sufficient time for the appointment of the personal representative of Mr. Berylson's complex estate and for the preparation and filing of a Rule 25 Motion to Substitute.

6. Upon notice by estate counsel for Mr. Berylson of the pending appointment of Mr. Berylson's estate's Personal Representative, Plaintiff's counsel will file a Suggestion of Death in this action. Once the Personal Representative for Mr. Berylson's estate is duly appointed, Mrs. Berylson and the Personal Representative of Mr. Berylson's estate will timely move for substitution of Mr. Berylson's Personal Representative as a party-plaintiff in this matter, in lieu of Mr. Berylson, pursuant to Rule 25, so as not to delay the beginning of the continued-trial date.

7. Defendants assent to the filing of and relief sought by this Motion.

WHEREFORE, Mrs. Berylson respectfully requests that this Court continue the trial of this matter until the week of February 26, 2024.

Respectfully Submitted,

Amy Smith Berylson,

By her Attorneys,

/s/ William S. Rogers, Jr.,
William S. Rogers, Jr., BBO No. 549487
wsrogers@princelobel.com
Christopher Miller, BBO No. 685219
cmiller@princelobel.com
Kenneth A. Sherman, BBO No. 569293
ksherman@princelobel.com
Lauren Koslowsky, BBO No. 705541
lkoslowsky@princelobel.com
Prince Lobel Tye LLP
One International Place
Boston, MA 02110
617-456-8000

Dated: July 19, 2023

CERTIFICATE OF SERVICE

I, Kenneth A. Sherman, hereby certify that this document has been filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Kenneth A. Sherman

Kenneth A. Sherman